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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

KELLY CAHILL, et al., individually and  
on behalf of others similarly situated,

Case No. 3:18-cv-01477-JR

fs,

v.

NIKE, INC., an Oregon Corporation,

ant.

**DECLARATION OF KATHRYN P.  
ROBERTS IN SUPPORT OF  
PLAINTIFFS' OBJECTIONS TO  
ORDER DENYING PLAINTIFFS'  
MOTION TO COMPEL**

I, Kathryn P. Roberts, declare:

1. I am an attorney at the law firm of Markowitz Herbold PC and counsel for Plaintiffs in this lawsuit. I make this declaration based on personal knowledge and am competent to testify to the matters discussed below.

2. Attached as Exhibit 1 is a true and correct copy of Defendant Nike Inc.'s Request for Production of Documents to Plaintiff Kelly Cahill, Set Three.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 13th day of May, 2024.

*s/ Kathryn P. Roberts*  
\_\_\_\_\_  
*Kathryn P. Roberts*

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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON,  
LINDSAY ELIZABETH, and HEATHER  
HENDER, individually and on behalf of others  
similarly situated,

CASE NO. 3:18-CV-01477-JR

Plaintiff,  
vs.  
NIKE, INC. an Oregon Corporation,

**DEFENDANT NIKE, INC.'S REQUEST  
FOR PRODUCTION OF DOCUMENTS  
TO PLAINTIFF KELLY CAHILL, SET  
THREE**

Defendant.

Ex. 1 - Kathryn P. Roberts Declaration

TO PLAINTIFF KELLY CAHILL AND TO HER ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 34 (“Rule 34”), Plaintiff Kelly Cahill (“Plaintiff”) is hereby requested to produce for inspection and copying the documents and tangible things described hereinbelow on January 22, 2024 at the law offices of Paul Hastings LLP, 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071-2228. Plaintiff may comply with this Request by transmitting the documents and physical evidence by mail or overnight delivery service so long as they arrive at the designated place by the aforestated date and time (attention: Daniel Prince, Esq.).

In accordance with Rule 34, Plaintiff also must serve within 30 days after service of this Request a written response, responding separately to each item or category of item included in the Request by a statement that Plaintiff will comply with the particular request, a representation that Plaintiff lacks the ability to comply with the particular request, or an objection to the particular request. NOTICE: ANY FAILURE TO SERVE A TIMELY WRITTEN RESPONSE IN ACCORDANCE WITH RULE 34 WILL CONSTITUTE A WAIVER BY PLAINTIFF OF ANY OBJECTION TO THIS REQUEST, INCLUDING ONE BASED ON PRIVILEGE OR WORK PRODUCT.

I.

DEFINITIONS AND INSTRUCTIONS

A. Definitions

1. As used herein, the words “DOCUMENT” or “DOCUMENTS” mean any kind of written, typewritten, printed, electronic, or recorded material whatsoever, stored in any medium and including but not limited to, any notes, memoranda, charges, complaints, claims, affidavits, statements, papers, files, forms, data, magnetic or optical discs, cards or tapes, printouts, letters, reports, summaries, compilations, chronicles, publications, books, manuals, handbooks, certificates, minutes, agenda, communications, contracts, agreements, electronic communications or messages, facsimiles, records, correspondence, diaries, calendars, appointment books, logs, audio and/or video recordings and transcriptions of recordings, microfilm, microfiche, electronically stored information or representations of any kind (including but not limited to

electronic mail, internet files, instant or text messages, internet relay chat, internet or intranet postings or communications, social or professional network postings or messaging communications, attachments to any of the foregoing, voicemail and other recordings whether in digital or analog format, databases and all electronic file formats) on any type of computer readable storage media (including but not limited to programs, drives, desktops, laptops, servers, networks, archives, back-up or disaster recovery systems, magnetic or optical tapes, cards or discs, CDs, DVDs, portable or removable media such as flash or thumb drives, smart cards, mobile phones and personal devices such as iPhones, Androids, Blackberries) whether or not ever printed out or displayed, photographs, pictures, diagrams, or any other writing, however produced or reproduced, and further including, without limitation, originals, all file copies, all other copies, no matter how prepared, and all drafts prepared in connection with such documents whether or not used, within the possession, custody, and/or control of Plaintiff, or her agents, attorneys, physicians, psychologists, psychiatrists, counselors, and/or any other persons who may act on her behalf, excepting only those documents that are privileged or otherwise protected from discovery, as to which the claim of privilege or protection is specifically stated by pleadings herein.

2. "NIKE" or "DEFENDANT" refers to Defendant NIKE, INC. and/or to any past or present officers, employees and/or agents of said named entity and/or all divisions, subsidiaries, parent, affiliated, related or predecessor companies, or any of them.

3. "PLAINTIFF" refers to PLAINTIFF Kelly Cahill and/or her agents and/or representatives, past or present.

4. "COMMUNICATE" and "COMMUNICATIONS" mean and include any meeting, conference, face-to-face conversation, telephone conversation, or conference or communication used by any media, as well as any written, taped, or recorded communication of any kind whatsoever.

B. Instructions

1. Construction of "And" and "Or"

**PROOF OF SERVICE**

STATE OF CALIFORNIA )  
CITY OF LOS ANGELES AND COUNTY OF ) ss:  
LOS ANGELES )

I am employed in the City of Los Angeles and County of Los Angeles, State of California. I am over the age of 18, and not a party to the within action. My business address is 515 South Flower Street, Twenty-Fifth Floor, Los Angeles, CA 90071-2228.

On December 22, 2023, I served the foregoing document(s) described as:

**DEFENDANT NIKE, INC.'S REQUEST FOR PRODUCTION OF DOCUMENTS  
TO PLAINTIFF SARA JOHNSTON, SET FOUR**

**DEFENDANT NIKE, INC.'S REQUEST FOR PRODUCTION OF DOCUMENTS  
TO PLAINTIFF LINDSAY ELIZABETH, SET FOUR**

**DEFENDANT NIKE, INC.'S REQUEST FOR PRODUCTION OF DOCUMENTS  
TO PLAINTIFF KELLY CAHILL, SET THREE**

**DEFENDANT NIKE, INC.'S REQUEST FOR PRODUCTION OF DOCUMENTS  
TO PLAINTIFF HEATHER HENDER, SET TWO**

on the interested parties by placing a true and correct copy thereof in a sealed envelope(s) addressed as follows:

*Please see attached Service List.*

x

**VIA ELECTRONIC MAIL:**

By personally emailing the aforementioned document(s) in PDF format to the respective email address(es) listed below on September 29, 2020. I did not receive an electronic message indicating errors in transmission.

I declare under penalty of perjury under the laws of the United States that the above is true and correct. Executed on December 22, 2023, at Los Angeles, California.

Lindsey Cecelia Jackson  
Lindsey C. Jackson